



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**FEB 10 2014**

James A. Tibbits, Environmental Resource  
Red Shield Acquisition, LLC  
24 Portland St.  
Old Town, Maine 04468

Re: Notice of Noncompliance Regarding the Chemical Accident Requirements of the  
Clean Air Act for Red Shield Acquisition, LLC of Old Town, Maine.

Dear Mr. Tibbits:

On September 18, 2012 representatives of the United States Environmental Protection Agency (EPA) conducted an inspection of the above-referenced facility. The purpose of the inspection was to determine the compliance of Red Shield Acquisition, LLC with the Chemical Accident Provisions of Section 112(r)(7) of the federal Clean Air Act (CAA).

The Chemical Accident Provisions of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412 (r)(7) and 40 CFR Part 68, require facilities which produce, handle, process, distribute, or store certain chemicals to develop a Risk Management Program, prepare a Risk Management Plan, and submit the plan to EPA. The plan must be revised and resubmitted to EPA every five years, or as otherwise required by 40 CFR § 68.190.

Based upon EPA's inspection of your facility on September 18, 2012 and a review of other information, EPA has determined that Red Shield Acquisition, LLC failed to:

- fully document its management system for the covered process (40 CFR § 68.15(c));
- label all process piping, including but not limited to the 14 inch pipe from the generator to the condenser (40 CFR § 68.65(d)(2));
- perform a complete process hazard analysis that identifies, evaluates, and controls the hazards involved in the process; specifically the unlabeled vent line associated with the chlorine dioxide generation plant's emergency relief plate that vents directly out the side of the building without a ClO<sub>2</sub> sensor or detector (40 CFR § 68.67);
- document all the safety and health considerations of chlorine dioxide in facility operating procedures (40 CFR § 68.69(a));
- have a complete process hazard tracking and documentation system (40 CFR § 68.67(e));
- annually certify operating procedures (40 CFR § 68.69(c));
- provide and document refresher training for all operators (40 CFR § 68.71((b) and (c));
- perform and document required inspection and testing of the stationary ClO<sub>2</sub> monitor(s) (40 CFR § 68.73(d));

- document certification of procedures and practices using the audit process (40 CFR § 68.79(a)); and,
- fully document emergency response plan provisions (40 CFR § 68.95(a)).

Notice is hereby given that Red Shield Acquisition, LLC failed to meet all the requirements of Section 112(r) of the Clean Air Act. Within 30 days of receipt of this Notice, please submit a description of actions taken to address the violations listed above. The information should be sent to:

Jim Gaffey, Chemical Engineer  
U.S. Environmental Protection Agency  
Office of Environmental Stewardship  
RCRA, EPCRA and Federal Programs Unit  
Mail Code OES05-1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Failure to correct the violations as required by this Notice may subject Red Shield Acquisition, LLC to further federal enforcement action, including the assessment of penalties.

If you have any questions concerning this Notice of Noncompliance or regarding Section 112(r) of the Clean Air Act, please contact Jim Gaffey at (617) 918-1753.

Sincerely,



Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region I

cc: Jim Gaffey, EPA Region I